

# Exhibit C

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

DANIEL KLEEGERG, LISA STEIN  
and AUDREY HAYS,

Plaintiffs,

v.

Civil Action No.  
16-CV-9517(LAK)

LESTER EBER,  
ALEXBAY, LLC f/k/a LESTER EBER, LLC,  
CANANDAIGUA NATIONAL CORPORATION d/b/a  
CANANDAIGUA NATIONAL BANK AND TRUST,  
ESTATE OF ELLIOT W. GUMAER, JR.,  
EBER BROS. & CO, INC.,  
EBER BROS. WINE AND LIQUOR CORP.,  
EBER BROS. WINE & LIQUOR METRO, INC.,  
EBER-CONNECTICUT, LLC, and  
WENDY EBER,

**RESPONSES TO PLAINTIFF  
DANIEL KLEEGERG'S SECOND  
SET OF INTERROGATORIES  
TO LESTER EBER**

Defendants.

---

Pursuant to the Federal Rules of Civil Procedure, Rule 26(a)(1), Defendant, Lester Eber, by his attorneys, Underberg & Kessler LLP, for his Responses to Plaintiff Daniel Kleeberg's Second Set of Interrogatories to Lester Eber (the "Interrogatories"), hereby responds as follows:

**SPECIFIC OBJECTIONS AND RESPONSES**

15. Identify everyone who was responsible for or involved in reviewing or approving of the terms of your consulting agreement with Southern and specify what each such individual's role was with respect to the consulting agreement (e.g., acting as attorney to you, a director of Eber W&L, etc.).

**Response to No. 15: Harris Beach PLLC, as attorneys; Elliott Gumaer, as attorney; and Lisa Semenick, Director to Eber W&L.**

16. Identify all documents concerning your consulting agreement with Southern that were disclosed to any of the directors or officers of any of the Eber Companies (excluding Wendy), and identify which directors or officers received each such document and when (if such information is not apparent and correct on the face of each document).

**Response to No. 16: Do not recall.**

17. Identify the four different distributors that Eber-CT contacted between 2008 and 2012, as described in Paragraph 30 of Lester Eber's Affidavit dated June 24, 2015 (Bates No. EB-000017536).

**Response to No. 17: Upon information and belief, Magriocco, Martinetti, Allied and Fedway.**

18. Identify who introduced the Eber Defendants to Glen Sturm in 2010.

**Response to No. 18: No one.**

19. Identify the documents concerning any Eber Defendant's engagement of Glen Sturm, either as a lawyer or as a senior strategic consultant, or both.

**Response to No. 19: None.**

20. Specify the date when you first told anyone (either in writing or verbally) that you were resigning as President of Eber W&L.

**Response to No. 20: Do not recall.**

21. Specify the reasons why you resigned as President of Eber W&L.

**Response to No. 21: Client privileged communication.**

DATED: August 28, 2018  
Rochester, New York

UNDERBERG & KESSLER LLP

By:   
Paul F. Keneally, Esq.  
Colin D. Ramsey, Esq.  
Attorneys for Eber Defendants  
300 Bausch & Lomb Place  
Rochester, New York 14604  
585-258-2800  
cramsey@underbergkessler.com  
pkeneally@underbergkessler.com

TO: Brian C. Brook, Esq.  
Clinton Brook & Peed  
Attorneys for Plaintiffs  
101 Hudson Street, Suite 2100  
Jersey City, NJ 07302  
212-256-1957  
brian@clintonbrook.com

Robert Calihan, Esq.  
Attorney for Defendant  
Estate of Elliot W. Gumaer, Jr.  
16 West Main Street, Suite 736  
Rochester, New York 14614  
585-232-5291  
rcalihan@calihanlaw.com

VERIFICATION

STATE OF New York )  
COUNTY OF Monroe ) ss:

LESTER EBER, being duly sworn, deposes and says that: he is one of the Defendants in the within action; that deponent has read the foregoing Responses to Plaintiff Daniel Kleeberg's Second Set of Interrogatories to Lester Eber and knows the contents thereof, and that the same is true to deponent's own knowledge, except as to those matters stated therein to be alleged upon information and belief, and that as to those matters deponent believes it to be true.

*Lester Eber*

Lester Eber

Sworn to before me this  
27th day of August, 2018.

*Julie V. Mersereau*  
Notary Public

JULIE V MERSERÉAU  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02ME4876287  
Qualified in Monroe County  
My Commission Expires October 20, 2018